

REMARKS

Claims 1-21 were originally filed in the present application.

Claims 1-21 are pending in the present application.

Claims 1-21 were rejected in the December 15, 2006 Office Action.

No claims have been allowed.

Claims 1-21 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Section 1 of the December 15, 2006 Office Action, the Examiner rejected Claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 2005/0025082 A1 to *Jang, et al.* (the “Jang reference”) in view of U.S. Patent Application Publication No. 2005/0037778 A1 to *Patel* (the “Patel reference”). Applicant respectfully disagrees.

Claim 1 reads as follows:

For use in a wireless network, a base station capable of transmitting broadcast data to a plurality of mobile stations in a coverage area of said base station,
wherein said *base station is capable of transmitting a first control message to said plurality of mobile stations, said first control message operable to assign a shared public long code mask (PLCM) to said plurality of mobile stations.* (emphasis added).

Notably, Claim 1 requires that the base station is capable of transmitting a first control message to a *plurality* of mobile stations. Claim 1 also requires that the first control message is operable to assign a *shared* public long code mask (PLCM) to said plurality of mobile stations.

The Jang reference teaches a system for base stations to transmit broadcast multicast services over a traffic channel. The Jang reference, Abstract, p. 1, paragraphs [0010]-[0019]. The Examiner suggests that the Jang reference fails to teach or disclose *a first control message operable to assign a*

shared public long code mask (PLCM) to said plurality of mobile stations, as required by Claim 1. The December 15, 2006 Office Action, p. 3. Applicant agrees.

The Patel reference, on the other hand, teaches a system for generating code masks based on geographical coordinate values. The Patel reference, Abstract, p. 2, paragraphs [0018]-[0021]. Contrary to the Examiner's suggestion, the Patel reference fails to teach or disclose *a first control message* operable to assign a *shared public long code mask (PLCM) to said plurality of mobile stations*, as required by Claim 1. At most, the Patel reference teaches that a base station could assign at least one of a plurality of code masks to the mobile unit in response to detecting a call activation. *Id.* at p. 2, paragraph [0020] using a communication channel to the mobile unit. The Patel reference in fact may teach *away* from this requirement and goes on to disclose that "if the latitude and longitude of the base station 103, along with the MS ID, are accessible to the mobile unit 120, the mobile unit 120 itself can calculate the PLCM and thus the base station need not transmit the PLCM to the mobile station." The Patel reference, pp. 5 & 6, paragraph [0052]. Thus, the Patel reference fails to teach or disclose a base station *capable of transmitting a first control message to said plurality of mobile stations* where the first control message is operable to assign *a shared PLCM to said plurality of mobile stations*, as required by Claim 1 and its dependents.

There is, therefore, no teaching or disclosure within the Jang reference, either alone or in combination with the Patel reference, of any control message operable to assign *a shared PLCM to said plurality of mobile stations*, as required by Claim 1 and its dependents. Moreover, there is no suggestion or motivation within the Jang reference or the Patel reference to prompt one of ordinary

skill to selectively combine discrete elements from each and then *seek out* still others as required by Claim 1 and its dependents.

Similar arguments hold true for independent Claims 8 and 15, and their respective dependents.

Accordingly, Applicant respectfully requests favorable reconsideration and the withdrawal of the §103 rejection.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.


The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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